

REMARKS

The indication that claims 10-13 are allowed and that claims 6-9 are objected to and would be allowable if rewritten in independent form is acknowledged.

By the present amendment, claim 5, the only claim under consideration which is under rejection, has been canceled without prejudice or disclaimer of the subject matter thereof, with objected to dependent claims 6 and 9 being written in independent form incorporating the features of parent claim 5 therein. Thus, claims 6 and 9 should now be in condition for allowance together with objected to dependent claims 7 and 8 which depend from claim 6, which should now be in condition for allowance. Accordingly, Applicants submit that all claims are now present and are under consideration in this application, i.e. claims 6-13, should now be in condition for allowance.

As to the rejection of claim 5 under 35 U.S.C. §102(e) as being unpatentable over Nishida et al. (U.S. 20020159016) this rejection is considered to be obviated by the cancellation of claim 5 and Applicants submit that discussion of Nishida et al. in relation to claim 5 is considered unnecessary.

Applicants note that although not listed in the Office Action, claims 1-4 and claims 14-20 remain in this application, and it is assumed that such claims stand withdrawn from consideration as being directed to a non-elected invention. However, as recognized by the Examiner, claims 5 and 10 are generic, and since at least claim 10, which is a generic claim, stands allowed, Applicants submit that the non-elected claims directed to non-elected species should also be considered at this time. Accordingly, Applicants submit that consideration should be given to claims 1-4 and 14-20 at this time.

For the foregoing reasons, Applicants request favorable action in this application.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (Case No. 501.43335X00) and please credit any excess fees to such deposit account.

Respectfully submitted,



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